

## REMARKS

With this Response, Applicants respectfully request that claims 8, 17, 34-38, and 71 be canceled without prejudice. Claims 1, 9, 10, 16, 39, 64, 72, 73, and 79 are amended herein. Additionally, new claims 92 and 93 are presented herein for examination. Therefore, claims 1-7, 9-16, 18-33, 39, 40, 64-70, 72-82, 86, 87, 92 and 93 are pending.

## CLAIM REJECTIONS - 35 U.S.C. § 103

### Claims 1-6, 16, 21-22, 24-36, 40, 64-69 and 80-82

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,680,398 of Robinson (hereinafter "Robinson") in view of U.S. Patent Number 6,188,910 of Park et al. (hereinafter "Park"). Claims 34-36 are canceled herein rendering rejection of these claims moot. The remaining claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 1, 16, and 64 are independent claims. Each independent claim is amended herein to recite features directed to a request over a traffic channel for a traffic channel, and determining whether to allocate a traffic channel based on status of a subscriber including terms of subscription of the subscriber. See, for example, page 6, line 5 through page 7, line 14 for a discussion in Applicants' Specification.

The Office Action acknowledges that Robinson and Park fail to disclose a determination based on a status of the subscriber. The Office asserts such limitations are disclosed by U.S. Patent Number 2002/0072348 of Wheeler et al. (hereinafter "Wheeler") and U.S. Patent Application Number 2002/0087740 of Castanho et al. (hereinafter "Castanho"). See Office Action at pages 10 through 12.

However, despite the assertions in the Office Action, Wheeler fails to disclose or suggest what is recited in the amended independent claims.

The Office Action refers to paragraph [0008] of Wheeler, which recites in full:

In accordance with a further aspect of the present invention, a customized or **personal profile of wireless customers may be maintained**, for example, in a database resident in the personal device, a central computer associated with the service provider, or both. In this way, **personal profile information** such as medical history, medical contacts, allergies, primary and secondary languages, religious affiliation, organ donor status, personal contact information, insurance or medical plan information, or other important personal information **may be instantly available to the service provider without having to solicit this information from the requestor under emergency conditions.**

Emphasis added.

No reasonable interpretation of Applicants' claimed invention would be understood by one skilled in the art from Wheeler in combination with Robinson and Park. As seen explicitly taught in Wheeler, what is disclosed is a system that allows a wireless service provider to be able to store personal profile information for use in an emergency. No suggestion is ever made of making a determination of whether to allocate a traffic channel based on a status of a subscriber. Furthermore, no suggestion is made of making such a determination based on subscription terms of a subscriber. Wheeler does not appear to differentiate service in any way based on the subscriber or the subscription.

Likewise, Castanho fails to cure the deficiencies of the other cited references. The Office Action refers to paragraph [0023] of Castanho, which recites in full:

"Subscription" is a term that has two subtly different meaning. One such meaning is in reference to billing plans to describe those operations which involve a monetary transaction--e.g. a member of a service may be required to pay a sum of money by credit card to subscribe to the service; this is a "subscription" billing plan, a plan in which the user pays for access to the service. The second meaning is the "corporate" billing plan--used for customers who control the membership of the service internally, and who typically pay periodically for message volume.

No reasonable interpretation of Applicants' claimed invention would be understood by one skilled in the art from Castanho in combination with Wheeler, Robinson, and Park. Castanho does nothing more than provide a generic definition of the word subscription, which the Office has not even asserted is applicable to Applicants' claims.

Per MPEP § 2111, the Office must give Applicants' claim terms their broadest reasonable interpretation in light of the Specification and according to what would be understood by one of skill in the art at the time of filing. The Office has done nothing more than offer a possible definition for subscription that might be understood by one skilled in the art.

The Office has failed to suggest that such an interpretation is the BRI of Applicants' claim terms, when read in light of the Specification. The Office further fails to provide any logic or reasoning as to why one skilled in the art would see the generic definition offered in Castanho and thus come up with Applicants' claimed invention, which recites determining from a subscription whether to allocate a wireless channel.

The reference does not even mention subscription terms, in contrast to what is recited in Applicants' claims. In general, in contrast to what is recited in Applicants' claims, Castanho

discusses web browsing, which is not shown nor suggested by the Office to be neither applicable to Applicants' claimed invention, nor combinable with the other references. The reasoning at page 12 of the Office Action ("Therefore, it would have been obvious ... to combine ... in order to enable the user to register automatically in response to the a (sic) notification message.") does not even make sense, much less does it provide any reasonable expectation that the combination of references would even suggest the claimed invention.

Thus, no suggestion is ever made of making a determination of whether to allocate a traffic channel based on a status of a subscriber. Furthermore, no suggestion is made of making such a determination based on subscription terms of a subscriber. Wheeler does not appear to differentiate service in any way based on the subscriber or the subscription.

Thus, whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the invention as recited in the independent claims, and so fail to render obvious the claimed invention. The independent claims are thus shown to be nonobvious over the cited references for the reasons above. The remaining claims, as dependent claims, are likewise nonobvious over the cited references for at least the same reasons as the independent claims.

Applicants therefore respectfully request that the rejection of the claims be withdrawn.

**Claims 7-8, 11, 18, 37 and 70-71**

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson and Park in view of Wheeler. Claims 8, 37, and 71 are canceled herein, rendering rejection of those claims moot. The pending claims are not rendered obvious by the cited references for at least the following reasons. The merits of Robinson, Park, and Wheeler are discussed above with respect to the amended independent claims. As shown above, the combination of references fails to render obvious the invention as recited in the independent claims. The pending claims depend from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in these pending claims, for at the reasons discussed above.

**Claims 9-10, 39, 72-73 and 79**

These claims were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson, Park, and Wheeler in view Castanho. The merits of these references are discussed

above. As shown above, the combination of references fails to render obvious the invention as recited in the independent claims. These claims depend from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in these claims, for at the reasons discussed above.

#### **Claims 12-14**

Claims 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson, Park, and Wheeler in view of U.S. Patent Application Number 2003/0163393 of Mittal et al. (hereinafter "Mittal"). These claims are not rendered obvious for at least the following reasons.

Mittal is directed to network-based data storage, and there is no explanation why such a reference should be considered applicable to random access requests in network access grants. Much less is there suggestion to one of skill in the art why the teachings of Mittal should be considered applicable to Applicants' claims directed to determining whether to allocate a traffic channel based on a status of a subscriber.

Whether alone or in combination, the references fail to render obvious the invention as recited in the independent claims. These claims depend from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in these claims, for at the reasons discussed above.

#### **Claims 19 and 74-77**

Claims 19 and 74-77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson and Park in view of Mittal. These claims are not rendered obvious for at least the following reasons.

The merits of Robinson, Park, and Mittal are discussed above with respect to the independent claims. Whether alone or in combination, the references fail to render obvious the invention as recited in the independent claims. These claims depend from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in these claims, for at the reasons discussed above.

### **Claims 17 and 38**

Claims 17 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson and Park in view of U.S. Patent Number 6,006,084 of Miller et al. (hereinafter "Miller"). Claims 17 and 38 are canceled herein, rendering rejection of those claims moot. The remaining pending claims are not rendered obvious for at least the following reasons.

Miller is directed to billing of wireless communication, and is not shown to be applicable to random access requests in network access grants. Much less is there suggestion to one of skill in the art why the teachings of Miller should be considered applicable to Applicants' claims directed to determining whether to allocate a traffic channel based on a status of a subscriber.

Whether alone or in combination, the references fail to render obvious the invention as recited in the independent claims. These claims depend from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in these claims, for at the reasons discussed above.

### **Claim 20**

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson and Park in view of U.S. Patent Application Number 2002/0065081 of Barany et al. (hereinafter "Barany"). This claim is not rendered obvious for at least the following reasons.

Barany is directed to selection of wireless protocols in access devices, and is not shown to be applicable to random access requests in network access grants. Much less is there suggestion to one of skill in the art why the teachings of Barany should be considered applicable to Applicants' claims directed to determining whether to allocate a traffic channel based on a status of a subscriber.

Whether alone or in combination, the references fail to render obvious the invention as recited in the independent claims. This claim depends from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in this claim, for at the reasons discussed above.

### **Claim 86 and 87**

Claim 86 and 87 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Robinson and Park in view of U.S. Patent Application Number 2003/0133426 of Schein et al. (hereinafter "Schein"). These claims are not rendered obvious for at least the following reasons.

Schein is directed to assigning random access channels among different radios, and is not shown to be applicable to random access requests in network access grants. Much less is there suggestion to one of skill in the art why the teachings of Schein should be considered applicable to Applicants' claims directed to determining whether to allocate a traffic channel based on a status of a subscriber.

Whether alone or in combination, the references fail to render obvious the invention as recited in the independent claims. These claims depend from those independent claims, and thus the combination of references likewise fails to render obvious the invention as recited in these claims, for at the reasons discussed above.

#### **New Claims 92 and 93**

New claims 92 and 93 are presented herein, and recite similar limitations to those of claims 86 and 87 previously presented. Claims 86 and 87 are shown above to be nonobvious over the cited references. These claims should be found nonobvious for at least the same reasons.

**CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully request that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: September 8, 2010

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